

DEPARTMENT OF JUSTICE
Bureau of Justice Statistics

2005 Civil Justice Survey of State Courts

ACTION: Notice of Solicitation

SUMMARY: The purpose of this notice is to announce a public solicitation to obtain a data collection agent for the 2005 Civil Justice Survey of State Courts.

SUBMISSION OF APPLICATIONS: The Office of Justice Programs (OJP) requires that funding applications be submitted through OJP Grants Management System (GMS). Using an established Internet account, go to www.ojp.usdoj.gov/fundopps.htm.

DATES: Proposals must arrive at the Bureau of Justice Statistics (BJS) on or before 5:00 p.m. EDT, May 20, 2005 through the Office of Justice Programs Grants Management System (GMS).

INFORMATION CONTACT: Thomas H. Cohen, J.D., Ph.D., Statistician, Bureau of Justice Statistics, 810 7th Street NW, Washington, D.C. 20531; Phone: (202) 514 – 8344 [This is not a toll free number.]; Email: askbjs@usdoj.gov (Put "Civil Justice Solicitation" in the subject)

AUTHORITY: 42 U.S.C. 3732

Electronic submission of CJSSC application

The Office of Justice Programs (OJP) requires that applications for funding be submitted through the OJP Grants Management System (GMS). Access through the Internet to this online application system will expedite and streamline the receipt, review, and processing of requests for funding. Applications will only be accepted through the GMS online application system.

To learn how to begin the online application process, please see the Quick Start Guide to Using the Office of Justice Programs Online Grants Management System (see appendix). A toll-free telephone number (1-888-549-9901) has been established to provide applicants with technical assistance as they work through the online application process.

SUPPLEMENTARY INFORMATION:

Program Goals

The purpose of this award is to provide funding to administer the 2005 Civil Justice Survey of State Courts. The survey will collect information on tort, contract, and real property rights trials that were completed in a nationwide sample of State courts of

general jurisdiction. The civil case data will include cases that were disposed of by bench and jury trial as well as an overall count of general civil cases that were concluded through non-trial means. The project will also include descriptive information on how settlement and alternative dispute resolution data are recorded in court case management systems.

BJS anticipates making one award for a 24-month period under this solicitation. The award will be made available for this project under the FY 2005 appropriation.

Background

The Civil Justice Survey of State Courts statistical series has collected data on civil litigation in State courts of general jurisdiction since 1992. The 1992 Civil Justice Survey of State Courts gathered detailed information on a sample of tort, contract and real property rights cases in 45 jurisdictions chosen to represent the 75 most populous counties in the Nation. The largest 75 counties account for about 37 percent of the U.S. population and about half of all civil filings. The 1992 data collection produced two datasets. The first dataset was a sample of approximately 30,000 tort, contract, and real property rights cases disposed of by various methods such as agreed judgment, summary judgment, arbitration, and trial verdict during the twelve month period ending June 30, 1992. The second dataset was a sample of about 6,500 cases disposed of only by jury trial over the same time period.

The 1996 Civil Justice Survey of State Courts modified the 1992 civil jury study by specifically sampling bench and jury trial cases only. For the 1996 project, information was collected on tort, contract, and real property rights trial cases in 45 jurisdictions chosen to represent the 75 most populous counties in the Nation. The 1996 data collection produced one dataset that contained a sample of 9,025 tort, contract, and real property rights cases disposed of by jury or bench trial between January and December 1996.

The 2001 Civil Justice Survey of State Courts focused on tort, contract, and real property bench and jury trials in a format similar to the 1996 study. For the 2001 civil trial project, data were collected on tort, contract, and real property rights trial cases that were concluded in a sample of 46 jurisdictions chosen to represent the Nation's 75 most populous counties. This data collection effort was also expanded so that litigant activity at the post verdict and appellate stages could be tracked. One dataset containing a sample of 8,311 tort, contract, and real property rights cases disposed of by bench or jury trial between January and December 2001 was produced for this project.

The data for the 1992, 1996, and 2001 Civil Justice Survey of State Courts have been used to generate several BJS bulletins and special reports. Some of the most recent BJS bulletins on civil justice are titled "Civil Trials and Verdicts in Large Counties, 2001" and "Tort Trials and Verdicts in Large Counties, 2001." These and earlier BJS reports and bulletins on civil justice can be accessed at <http://www.ojp.usdoj.gov/bjs/civil.htm>.

In addition to the BJS reports, the data from the Civil Justice Survey of State Courts have been analyzed in many law journal articles, cited in the print media, and used by Federal and State level policymakers.

In April 2004, the U.S. Department of Justice – Bureau of Justice Statistics convened a roundtable in Washington, D.C. to discuss issues related to the collection and analysis of civil litigation statistics in State courts. The Civil Justice Survey of State Courts was cited as one of the primary sources of data on civil litigation in the U.S. A summary of the roundtable discussion can be accessed at <http://www.ojp.usdoj.gov/bjs/civil.htm>.

Eligibility Requirements

Both profit making and nonprofit organizations may apply for funds. Consistent with OJP fiscal requirements, however, no fees may be charged against the project by profit-making organizations.

Scope of Work

The objective of this project is to complete data collection for the 2005 Civil Justice Survey of State Courts. This includes selecting a nationally representative sample of counties in which to survey civil trial litigation, obtaining the cooperation of State courts in these selected counties, developing the data collection instrument, selecting the tort, contract and real property rights trial cases, data verification, data coding and entry, constructing replicate weights for standard error testing, and delivery of a final dataset and documentation to BJS. BJS will obtain OMB clearance for this data collection under the Paperwork Reduction Act.

Specifically, the recipient of funds will:

1. Design a nationally representative sample of the Nation's counties and develop a sampling plan for selecting tort, contract and real property rights trials that were concluded in these counties in 2005. Unlike prior studies, this iteration of the civil justice survey will expand the sampled counties from 46 to a number that represents a nationwide sample of the Nation's approximately 3,100 counties. The sample should also be designed in such a manner that findings can be generalized to the Nation's 75 largest counties. The data collected should include tort, contract, and real property cases disposed of by bench and jury trial in the selected counties. In addition, this project should provide a general count of all tort, contract, and real property cases that were disposed of in these counties. Descriptive information will also be collected on how court data systems record settlement information and track cases resolved through alternative dispute procedures. The grantee will be required to secure approval for the data collection from the chief judge of the State court of general jurisdiction in each county.
2. Develop a data collection instrument that allows for the collection of civil jury and bench trial cases completed in this nationally representative sample of counties. This data collection instrument will be used to gather data on the specific type of tort, contract,

and real property rights trial cases litigated in State courts, pre-trial motion activity, alternative dispute resolution techniques applied prior to trial, type of trial disposition, plaintiff and defendant types, filing date, answer date, trial date, verdict date, number of days in trial, type of injury in malpractice and product liability cases, type of defendant in malpractice cases, permanence of injury in malpractice and product liability cases, type of product in product liability cases, pro se litigants, trial winners, economic and non-economic money damages awarded, punitive damages awarded, post trial motion activity, and appeals to State intermediate appellate or supreme courts. The BJS program manager must approve the data collection form before data collection can begin. Data collection forms that were used for prior civil justice surveys are available from BJS.

3. Collect data on tort, contract, and real property rights cases disposed of by trial in the sampled counties. This may entail training and compensating court staff to assist with data collection.
4. Develop analysis weights so statistics generated from the data collection are applicable on a national level and construct replicate weights so that standard errors for the estimates can be generated using WesVar PC.
5. Write profiles of the sampled State courts' civil litigation process, review and update State contributory negligence rules, and summarize alternative dispute mediation programs in each jurisdiction.
6. Create and maintain a web site which respondents can use to submit their data. Electronic submission of data will be the preferred method of response, and respondents should be encouraged to use this method.
7. Implement and maintain an automated tracking system to provide ongoing status of data collection in each of the sampled counties. Respondents' method of response (website, mail, or fax) should be included in this system. The automated tracking system should remain current and accessible to the BJS project monitor at all times.
8. Deliver to BJS an electronic version of the data in SPSS format and supporting documentation. Documentation should include, but is not limited to, a comprehensive codebook detailing variable positions, data coding, variable and value labels, procedures for data verification, any recoding implemented during the data cleaning process, and copies of all programs used to generate data or published statistics. All data and documentation will be posted on the BJS website, and data will be archived at the Inter-University Consortium for Political and Social Research (ICPSR). All data collected under the project remains property of BJS until such time that BJS releases the data to the public. The grantee may not use any data obtained through this project for any presentations or publications and may not disseminate these data until BJS has released the data to the public.

9. Develop a detailed timetable for each task in the project. Data collection should begin within four months of the project start and be completed within 24 months. After the BJS project manager has agreed to the timetable, all work must be completed as scheduled.

Award Procedures and Evaluation Criteria

Proposals should describe the plan and implementation strategy to accomplish each of the activities outlined in the Scope of Work. Information on staffing levels and qualifications should be included for each task and descriptions of experience relevant to the project. Resumes of the proposed project director and key staff should be enclosed with the proposal.

Applications will be reviewed competitively. The final selection decision will be made by the Director of BJS. The applicant will be evaluated on the basis of:

1. Ability to complete Scope of Work with documented evidence of research expertise and experience in sample design, objective data gathering, data coding, entry and verification, project documentation, and the production of public use data files. This includes availability of an adequate computing environment, knowledge of standard social science data processing software, and demonstrated ability to produce SPSS readable data files for analysis and report production.
2. Knowledge of relevant civil justice issues regarding tort, contract, and real property rights cases and prior research in this area. Applicants should be familiar with the findings from the BJS reports produced from the 1992, 1996, and 2001 Civil Justice Survey of State Courts. Copies of these reports are available from the BJS website <http://www.ojp.usdoj.gov/bjs/civil.htm> or the National Criminal Justice Reference Service, 1-800-851-3420. The application should include a summary of key findings from these reports and outline how the current project would gather similar types of information for comparative purposes. The application should also address how a nationwide sample of counties will be drawn and how information will be collected on civil cases completed by trial in these counties.
3. Demonstrated ability to secure cooperation of State courts sampled for project participation.
4. Availability of qualified professional, field and support staff, and suitable equipment for data gathering and processing. This includes expertise in multi-stage sampling, probability sampling techniques and standard error estimation from sample data.
5. Demonstrated fiscal, management, staff, and organizational capability to provide sound management for this project.

Award Information

Performance Guidelines

To ensure compliance with the Government Performance and Results Act (GPRA), Public Law 103-62, this solicitation notifies applicants that they are required to provide performance data used to measure the results of the programs implemented with this grant, as well as contribute to the achievements of BJS's overall statistical program. BJS's mission is to produce and disseminate accurate, objective, and independent national statistics. OJP/BJS is responsible for measuring the relevance, utility, and accessibility of its information by the following outcomes: 1) demand for statistical data, and (2) utilization of the data.

To ensure accountability of these data, for which OJP/BJS is responsible, the following performance measures are provided.

Program Objective	Performance Measures	Data To Be Provided by Grantees
To collect administrative State court data on general civil cases (torts, contracts, and real property) disposed of by bench or jury trial representative of the Nation's 3,100 counties in 2005	Quality of data (accuracy, validity, and reliability of data)	Minimal number of missing or inconsistent data in data file (Target: 5% or less) Expand the coverage of sampled counties to enable broader generalization (Target: national representation of all 3,100 U.S. counties)
	Timeliness of data	Time from the initiation of the collection to close of the reference period (Target: 24 months or less)

Application Requirements

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All applicants must submit:

- Standard Form 424, Application for Federal Assistance
- Assurances and Certifications
- Program Attachments:
 - Attachment #1: Budget Detail Worksheet and budget narrative
 - Attachment #2: Program Narrative
 - Additional attachments: Other Program Requirements (including the Human Subjects Protection Certification of Compliance and the Privacy Certificate)

Application for Federal Assistance (SF-424). The SF-424, is a standard form used by most Federal agencies. It contains 18 items that are to be completed online in the Overview, Applicant Information, and Project Information section of the OJP GMS.

Assurances and Certificates. Applicants are required to review, accept, and “sign-off” on these assurances and certificates electronically through GMS. It is critical that the name, address, telephone number, fax number, and e-mail address of the authorizing official on these online forms are correct.

Assurances. The applicant must comply with the assurances in order to receive Federal funds under this program. It is the responsibility of the recipient of Federal funds to fully understand and comply with these requirements. Failure to comply may result in withholding of funds, termination of the award, or other sanctions.

Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace. Applicants are required to review and check off the box on the certification form included in their online application process. This form commits the applicant to compliance with the certification requirements under 28 CFR Part 69, “New Restrictions on Lobbying,” and 28 CFR Part 67, “A Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for a Drug-Free Workplace (Grants).”

Attachment 1 - Budget detail worksheet and budget narrative. The detailed budget includes salaries of staff involved in the project and the portion of those salaries to be paid from the award, fringe benefits paid to each staff person, travel costs, supplies required for the project, sub-contractual agreements, and other allowable costs (an example of a Budget Detail Worksheet is available online at www.ojp.usdoj.gov/Forms/budget.pdf).

Attachment 2 - Project Narrative. The project narrative should describe activities as discussed in the Scope of Work and address the evaluation criteria. The project narrative should contain a detailed time line for project activities, a description of the survey methodology to be used including defined geographic boundaries, data collection method, data entry, and data documentation procedures.

Additional attachments - Other Program Requirements (Key staff information, Privacy Certification, and Human Subjects Protection Certification of Compliance).

Information on key staff includes a staff loading chart, by task and contract year, showing the role and number of hours (per year) committed for proposed staff; identification of proposed key personnel and their qualifications for the significant functions in this project, along with concise descriptions of the duties each will perform under the grant; and an identification by name of all key personnel with decision making authority.

The Privacy Certificate is a certification of compliance with Federal regulation relating to the confidentiality of information identifiable to a private person obtained for research and statistical purposes. It includes a description of procedures to be followed to protect identifiable data. (A model certificate is located at www.ojp.usdoj.gov/bjs/pub/pdf/bjsmpc.pdf).

The Human Subjects Protection Certification of Compliance is a certification of compliance with Federal regulation relating to research and statistical projects to ensure the protection of human subjects against undue and unnecessary risks. (A model certificate is located at www.ojp.usdoj.gov/bjs/pub/pdf/bjssspchs.pdf) .

Please note that it is critical that the name, address, telephone number, fax number, and e-mail address of the authorizing official are correct on these online forms.

Lawrence A. Greenfeld
Director
Bureau of Justice Statistics